



**California Regional Water Quality Control Board
Lahontan Region**



Linda S. Adams
*Secretary for
Environmental Protection*

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
Phone: (530) 542-5400 • Fax: (530) 544-2271
Internet: <http://www.waterboards.ca.gov/lahontan>

Arnold Schwarzenegger
Governor

MEETING AGENDA

South Lake Tahoe Airport
City Council Chambers
1901 Airport Road
South Lake Tahoe, CA 96150

July 25, 2006

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| Tour – Meet at airport parking lot | 1:00 p.m. |
| Regular Meeting (closed session – see Item 1): | 4:00 p.m. |
| Dinner break: | 5:00 p.m. |
| Regular Meeting, continued: | Approx. 7:00 p.m. |

July 26, 2006

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| Regular Meeting, continued: | 8:30 a.m. |
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TOUR

Tuesday, July 25, 2006 – 1:00 p.m.

The public is invited to join Lahontan Water Board members on a tour of two sites in the Upper Truckee River Watershed in South Lake Tahoe. Water Board staff will discuss the status of stream restoration efforts and the importance of reducing stream channel erosion to reduce sediment loading to Lake Tahoe.

The Water Board will meet at the Lake Tahoe Airport parking lot at 1:00 p.m. The Water Board will provide one bus to transport those attending the tour. Once the bus is filled, members of the public may still attend the tour but will need to provide their own transportation. Maps will be provided at the start of the tour. The bus will return to the Airport at approximately 3:45 p.m. The two stops are 1) Country Club Drive near San Bernardino Street in Meyers (adjacent to Lake Tahoe Country Club Golf Course and the Upper Truckee River), 2) Angora Creek at View Circle – near Mountain Trout Drive.

If you have any questions about this tour please contact Lahontan Water Board staff at (530) 542-5400.

California Environmental Protection Agency



General Meeting Information

The meeting room is accessible to people with disabilities. If you have special accommodations or language needs, please contact Laurie Applegate at least 5 days prior to the meeting date at (530) 542-5414 or LApplegate@waterboards.ca.gov. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

The following items are numbered for identification purposes only and will not necessarily be considered in this order. Public hearings will not be called to order prior to the time specified.

All Board files, exhibits and agenda material pertaining to items on this agenda are hereby made a part of the record for the appropriate item. If, due to time constraints, the Regional Board is unable to consider all of the items scheduled for Tuesday, July 25, 2006, the item(s) not heard will be considered on Wednesday, July 26, 2006 beginning at 8:30 a.m.

Anyone wishing to present a Microsoft PowerPoint® presentation during the meeting, using the Regional Board's projector, must provide the presentation to the Board on either a CD or via email at least three working days prior to the meeting. Please contact the staff person listed for the agenda item of interest.

NOTICE

Submittal of Written Material for Regional Board Consideration

In order to ensure that the Regional Board has the opportunity to fully study and consider written material, it is necessary to submit it at least ten (10) days before the meeting unless otherwise specified. This will allow distribution of material to the Board Members in advance of the meeting. Pursuant to Title 23 California Code of Regulations Section 648.4, the Regional Board may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Regional Board may refuse to admit it.

A copy of the procedures governing Regional Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq., and is available upon request. Hearings before the Regional Board are not conducted pursuant to Government Code Section 11500 et seq.

REGULAR MEETING

South Lake Tahoe Airport
City Council Chambers
1901 Airport Road
South Lake Tahoe, CA 96150

Tuesday, July 25, 2006 – 4:00 p.m.

Note: Any decisions made by the Water Board during the closed session on Tuesday, July 25, 2006 beginning at 4:00 p.m. requiring disclosure will be announced at the start of the evening session on Tuesday, July 25, 2006 at approximately 7:00 p.m.

1. CLOSED SESSION**

- a. **Discussion of Significant Exposure to Litigation. Authority: Government Code Section 11126(e)(2)(B)(I).**
- b. **Discussion of Significant Exposure to Litigation, Leviathan Mine, Alpine County. Authority: Government Code Section 11126(e)(2)(B)(I).**
- c. **Discussion to Decide Whether to Initiate Litigation. Authority: Government Code Section 11126(e)(2)(c)(I).**
- d. **Deliberation on a Decision to be Reached Based Upon Evidence Introduced in a Hearing. Authority: Government Code Section 11126(c)(3).**
- e. **Discussion of Personnel Matters. Authority: Government Code Section 11126(a).**
- f. **Discussion of Litigation: Azad Amiri, Mohan Singh, and Sohan Singh v. State of California, Regional Water Quality Control Board, Lahontan Region, Placer County Superior Court No. SCV10061. Authority: Government Code Section 11126(e).**
- g. **Discussion of Litigation filed by the State of California and the Regional Water Quality Control Board, Lahontan Region, v. Glen R. Hammond and Limited Partners, Kern County Superior Court Case No. 235695. Authority: Government Code Section 11126(e).**
- h. **Discussion of Litigation: People of the State of California ex rel. California Regional Water Quality Board, Lahontan Region, v. Oliver Crose, Ross Sessions, Sessions Tank Liners Inc., Apex Envirotech, Inc., and does 1-20 inclusive Complaint for injunctive and recovery of costs. Nevada County Superior Court Case No. T03-0694C. Authority: Government Code Section 11126(e).**

- i. **Discussion of Litigation: County Sanitation District No. 14 of Los Angeles County v. Regional Water Quality Control Board, Lahontan Region, Los Angeles County Superior Court Case No. BS095981. Authority: Government Code Section 11126(e).**
- j. **Discussion of Litigation: County Sanitation District No. 20 of Los Angeles County v. Regional Water Quality Control Board, Lahontan Region, Los Angeles County Superior Court Case No. BS096057. Authority: Government Code Section 11126(e).**
- k. **Discussion of Litigation: Regional Water Quality Control Board, Lahontan Region v. Mary Ann Ferguson, et al., Placer County Superior Court Case No. T CV 1002. Authority: Government Code Section 11126(e).**

** At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code Section 11126(a), (c)(3) and (e).

Tuesday, July 25, 2006 – approximately 7:00 p.m.

2. PUBLIC FORUM

Any member of the public may address the Water Board relating to any matter within the Board's jurisdiction. This shall not be related to any item on the agenda and presentations should normally be limited to five minutes. No formal action by the Board will be taken on these matters.

3. MINUTES

Minutes of the Regular Meeting of June 14-15, 2006 in Mammoth Lakes.
(Laurie Applegate)

REPORT ON TAHOE TMDL

- 4. **Presentation of the Lake Tahoe Clarity Model Results and the Discussion of the Lake Tahoe Total Maximum Daily Load for Fine Sediments and Nutrients.** (Water Board staff, with assistance from University of California at Davis staff, will present estimates from the Lake Tahoe Clarity Model on the overall reduction of fine sediment and nutrients needed to restore Lake Tahoe's clarity.) (Dave Roberts)

PLANS AND POLICIES

- 5. **Resolution of Intent to Improve Regulatory Coordination of Forestry Activities within the Lake Tahoe Basin** (The Water Board will consider adopting a resolution expressing its intent to cooperate with the Tahoe Regional Planning Agency, California Board of Forestry, California Department of Forestry and Fire Protection and other involved agencies to eliminate the need for duplicative regulatory permits when agencies are implementing identical regulations in order to expedite implementation of fuel reduction projects.) (Lauri Kemper/Erika Lovejoy)

ENFORCEMENT

- 6. **Public Hearing - Consideration of a Cease and Desist Order for Homewood Village Resorts, LLC. and Rescission of Cease and Desist Order No. R6T-2006-0007 for JAY, LLC, for Discharge and Threatened Discharge of Waste from Homewood Mountain Resort in Violation of Waste Discharge Requirements Contained in Board Order No. 6-95-86A2** (The Water Board will consider adopting a Cease and Desist Order requiring the Homewood Village Resorts, LLC, the new owners of the Homewood Mountain Resort, to construct parking lot storm water treatment projects by October 15, 2006. The proposed Cease and Desist Order rescinds a previous Cease and Desist Order but establishes the same schedule for compliance for the new owners.) (Robert Erlich)

STATUS REPORTS

- 7. **Executive Officer’s Report** (The Water Board will not be asked to take any formal action; however, it may provide direction to staff.) (Harold Singer)
 - **Discussion of Standing Items**
 - **Notification of Spills (Pursuant to Section 13271, California Water Code and Section 25180.7, California Health and Safety Code)**
 - **Notification of Closure of Underground Storage Tank Cases (Pursuant to Article 11, Division 3, Chapter 16, Title 23, California Code of Regulations)**

Wednesday, July 26, 2006 –8:30 a.m.

8. **PUBLIC FORUM**

Any member of the public may address the Regional Board relating to any matter within the Board's jurisdiction. This shall not be related to any item on the agenda and presentations should normally be limited to five minutes. No formal action by the Board will be taken on these matters.

ENFORCEMENT

- 9. **Continued Public Hearing – Consideration of an Administrative Civil Liability for C. Geoffrey and Christine Davis, Hans and Margaret Coffeng, and Pacific Built, Inc. for Violation of Waste Discharge Prohibitions Prescribed in the Water Quality Control Plan for the Lahontan Region, for the Unauthorized Discharge of Untreated Domestic Wastewater to Lands Below the Highwater Rim of Lake Tahoe on July 19, 2005 at 7770 and 7780 North Lake Boulevard, Kings Beach, Placer County Assessor’s Parcel Numbers 117-180-017 And –018, WDID No. 6A310408003** (The Water Board will consider whether to affirm, modify, or reject the civil liability proposed by ACL Complaint No. R6T-2005-0029 in the revised amount of \$325,000 for the discharge of untreated domestic wastewater to lands below the highwater rim of Lake Tahoe.) (Eric J. Taxer)

OTHER BUSINESS

- 10. Reports by Chair and Board Members** (Board members may discuss communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction. The Board may provide direction to staff; however, there will be no voting or formal action taken.)

11. ADJOURNMENT OF MEETING

Any party aggrieved by a certain decision of the California Regional Water Quality Control Board, Lahontan Region (Regional Board), may petition the State Water Resources Control Board (State Board) to review the decision. The petition must be received by the State Board within 30 days of the Regional Board's meeting at which the action was taken. Copies of the law and regulation applicable to filing petitions will be provided upon request.

Note: A listing of pending applications for Water Quality Certification pursuant to Section 401 of the Clean Water Act may be obtained by calling:

For the Northern Lahontan Basin, Tobi Tyler in South Lake Tahoe at (530) 542-5435

For the Southern Lahontan Basin, Cindi Mitton in Victorville at (760) 241-7413

The Regional Water Quality Control Board, Lahontan Region, has a home page that can be accessed on the Internet, at: <http://www.waterboards.ca.gov/lahontan>

The Regional Board will be considering many items during this meeting which may result in Regional Board action or direction to staff. We encourage input from all people interested in a given item or issue, so that when we act, our decision is based on all available information. Although an oath is not administered in most of the proceedings before this Board, **we expect all statements made before this Board to be truthful with no attempts to mislead this Board by false statements, deceptive presentation or failure to include essential information.**

The Regional Board encourages all people in or near a Board meeting to refrain from engaging in inappropriate conduct. Inappropriate conduct may include disorderly, contemptuous or insolent behavior, breach of peace, boisterous conduct, violent disturbance or other unlawful interference in the Board's proceedings. Such conduct could subject you to contempt sanctions by the superior court (Govt. C Sec 11455.10).

The Regional Board Chairperson may impose sanctions, including reasonable expenses and attorney's fees, on any party for bad faith actions, frivolous tactics or actions intended to cause unnecessary delay by a party or the party's attorney or representative (Govt. C Sec 11455.30).

CALIFORNIA WATER QUALITY CONTROL BOARD LAHONTAN REGION

Main Office: 2501 Lake Tahoe Blvd., South Lake Tahoe, CA 96150 (530) 542-5400
Branch Office: 14440 Civic Drive, Suite 200, Victorville, CA 92392 (760) 241-6583

REGIONAL BOARD MEMBERS

| Name | Location of Residence or Business | Appointment Category |
|---------------------------|-----------------------------------|-------------------------|
| John Brissenden | Hope Valley | Water Quality |
| Jim Chapman | Susanville | County Government |
| Jack Clarke | Apple Valley | Water Supply |
| R. Keith Dyas, Vice Chair | Rosamond | Industrial Water Use |
| Amy Horne, Ph.D., Chair | Truckee | Rec., Fish and Wildlife |
| Eric Sandel | Truckee | Water Quality |
| Susan J. Van Dam | Barstow | Irrigated Agriculture |
| Vacant | | Public |
| Vacant | | Municipal Government |

REGIONAL BOARD STAFF

| | | | |
|---------------------------------------|--|-------------------------------------|---|
| Harold J. Singer Executive Officer | Robert Dodds Assistant Executive Officer and Ombudsman | David Coupe Counsel to the Board | Laurie Applegate Executive Assistant |
|---------------------------------------|--|-------------------------------------|---|

South Lake Tahoe Office: Chuck Curtis, Manager, Cleanup/Planning/TMDL/Enforcement Division
Vacant, Chief, TMDL Unit
Scott Ferguson, Chief, Enforcement & Special Projects Unit
Richard Booth, Chief, UST/DOD/SLIC/Leviathan Unit

Lauri Kemper, Manager, Tahoe/Point and Non-Point Division
Alan Miller, Chief, North Basin Regulatory Unit
Doug Smith, Chief, Tahoe TMDL Unit
Vacant, Chief, Non-Point Source Unit

Victorville Office: Cindi Mitton, Manager, Southern Lahontan Watershed Division
Cindi Mitton, Chief, South Basin UST/DOD/SLIC Unit
Mike Plaziak, Chief, South Basin Regulatory Unit

The primary responsibility of the Regional Board is to protect the quality of the surface and groundwater within the Region for beneficial uses. The duty is carried out by formulating and adopting water quality plans for specific ground or surface water bodies; by prescribing and enforcing requirements on domestic and industrial waste dischargers, and by requiring cleanup of water contamination and pollution. Specific responsibilities and procedures of the Board are outlined in the Porter-Cologne Water Quality Control Act.

Regular meetings of the Board are normally held on the second Wednesday and Thursday of each month. Meeting locations vary but generally alternate between the north and south basins of the region.

The purpose of the monthly meeting is to provide the Board with testimony and information from concerned and affected parties and make decisions after considering the evidence presented. A public forum is held at each regular meeting where any person may address the Board on any matter within the jurisdiction of the Board, but may not be related to any item on the agenda.

The Board welcomes information on pertinent problems, but comments at the meeting should be brief and directed to specifics of the case to enable the Board to take appropriate action. Whenever possible, lengthy testimony should be presented to the Board in writing and only a summary of pertinent points presented verbally. Written material should be submitted no later than the Monday, ten days prior to the Board meeting.

Recordings are made of each Board meeting and these tapes/ CDs are retained in the Board's office for two years. Anyone desiring copies should contact Laurie Applegate at (530) 542-5414, for the current fee schedule for copies.

NOTES

A. SEQUENCE OF AGENDA ITEMS

The items are numbered for identification purposes only and will not necessarily be considered in this order.

B. AVAILABILITY OF AGENDA MATERIAL

Details concerning these agenda items are available for public reference during working hours at the Board's offices. Copies of individual agenda items may be obtained at the Board's offices after 8:00 a.m. on the Friday, twelve days preceding the Board meeting. The staff will assist in answering questions.

C. UNCONTESTED ITEMS CALENDAR

Item numbers with an asterisk (*) are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. If any Board member, staff member, or interested party requests discussion, the item will be removed from the Uncontested Calendar to be considered separately.

D. PETITION OF REGIONAL BOARD ACTION

Any person affected by a certain decision of the California Regional Water Quality Control Board, Lahontan Region, (Regional Board) may petition the State Water Resources Control Board to review the decision. The petition must be received by the State Board within 30 days of the Regional Board's meeting at which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided upon request.

E. HEARING RECORD EXHIBITS

Material presented to the Board as part of the testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, chart, diagrams, etc.

F. CONTRIBUTIONS TO REGIONAL BOARD MEMBERS

All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit before the Regional Board must submit a statement to the Board disclosing any contributions of \$250 or more to be used in a federal, state, or local election, made by the action supporter or opponent, or his or her agent, within the last 12 months to any Regional Board member. All permit applicants and all persons who actively support or oppose adoption of a set of waste discharge requirements or an NPDES permit pending before the Regional Board are prohibited from making a contribution of \$250 or more to any Board member for three months following a Regional Board decision on the permit application.

G. ADDITIONAL CLOSED SESSION

At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code Section 11126 (a), (c)(3) and (e).